

**MEETING MINUTES  
OF THE  
ZONING CODE REWRITE TASK FORCE  
MARCH 4, 2013**

**1. Call To Order**

Dana Burkhardt, Interim Zoning Administrator opened up the meeting at 6pm announcing he would perform the responsibilities of Chair for first meeting. Burkhardt also requested all members in attendance to sign in.

**2. Roll Call**

Present: Bob Marsh, Ron Batt, Anthony Gray, Ted Yocum, Ryan Atwood, Phyllis Von Fleckinger, Ernest Whitehead, Julie Stanfill, Linda Cheney, Vincent Manfredi, JoAnne Miller

Absent: Peggy Chapados

Burkhardt stated Peggy Chapados has been appointed to the Task Force, but could not attend due to a conflict with other scheduled City business.

**3. Agenda Items**

**3.1 ZCTF 13-01 Welcome & Introductions of Steering Committee Members. Discussion**

Next meeting scheduled for April 3 at 6 pm in same room. Everyone received a copy of open meeting laws and other housekeeping items – purpose of Task Force and introductions

**3.2 ZCTF 13-02 The Task Force will hear a presentation from the consulting planning firm, Dyett & Bhatia Urban and regional Planners, on the Role of Zoning. The presentation will also highlight the role of the Task Force in the Zoning Code Rewrite Process, the public outreach plan and present the initial public outreach findings. Discussion.**

Burkhardt introduced this agenda item and the presenter, Martha Miller. Martha provided a PowerPoint presentation, along with Kyle Moyer and Wendy Anderton.

Ted Yocum - do you have a general idea of how much work we are going to do and how many documents and reports will be prepared for Task Force discussion or how will those be lead out to Task Force for review and feedback? We need time for review

Dana Burkhardt - the Diagnosis and Evaluation Report will be next document available for review one week prior to your next meeting on April 3.

Bob Marsh – is it possible to get a baseline project plan with dates for milestones to be met?

Martha Miller - There is a schedule online and there maybe some lingering questions that come up as the Rewrite proceeds, it is an on-going process and you will continue to receive public input throughout the rewrite

Bob Marsh – You may look to other codes in Arizona to get some ideas from other Cities to use

Phyllis Von Fleckinger – Task Force is the primary public outreach for the Code Rewrite, is Council directing the code?

Martha Miller – we are reaching out and responding to the Council and City Staff and city officials and committees for input. Ultimately, it will be the City Council's decision to approve or request changes to the final document.

Ted Yocum – When we get to the Heritage District and 7 Ranches will we hear directly from them to hear what they are saying for the Zoning Code, rather than just reading it in the reports?

Dana Burkhardt – Absolutely, mailers to property owners in those areas will likely get additional input, we will pursue options to gain specific feedback.

Martha Miller – there will be conversations and input, and there are other parts of the code where the team may reach out directly to certain stakeholders and may not all go through or be heard at the Task Force meetings. For example, cell towers - we will be speak with industry professionals directly, but they may not come before the task force. Zoning Codes cover a wide variety of things and we need to make sure they are technically and generally sound.

Phyllis Von Fleckinger – as long as people can submit comments via website, we should hear from all aspects of the community

Wendy Anderton – The City's public participation plan includes a number of opportunities for individuals to submit comments or make their voices heard, including web based outreach and the Salsa Festival to name a few.

Ryan Atwood – You mention we are going to reach out to others – if it's not at the task force, will we report the input to the Task Force?

Martha Miller – Yes, all information received made is public record and we maintain those comments for inclusion in the outreach and issue identification.

Ted Yocum – Can we approach members of the community for feedback?

Dana Burkhardt – Yes, we strongly encourage and hope the Task Force members will spread the word and solicit input from members of the community.

Ted Yocum – are field trips planned or can we schedule special field trips to help the discussion?

Dana Burkhardt – there are at least two special overlay districts included in the City's contract for this project. We know that the Heritage District, Seven Ranches, 347 Corridor, and other areas of the City could benefit from additional planning exercises and maybe we can come up with on site workshops or field trips or something. Please approach me via email if you have any ideas you'd like staff to pursue. Stakeholders of these areas have been interviewed and will continue to be approached for input.

Marsh – HOA's are embroiled in Global Water rate increase, and also open space, landscaping, grass maintenance are problems for many of the subdivisions. We should hear from the HOA's on their issues

JoAnne Miller – I notice most people in attendance and those interviewed are of a certain age and above. Are there any efforts to reach out to school aged kids like CAC and High School kids,

Julie Stanfill – Reach out to the Maricopa Youth Council, through Rocky Brown.

Dana Burkhardt – if you know any HOA contacts specifically, please forward them to me, or if you are aware of any HOA open houses or special events let me know or feel free to discuss the rewrite to identify opportunities to discuss for the Zoning Code Rewrite.

Martha Miller - This is a Zoning Code Rewrite with technical meaning in many cases. It can be dry and uninteresting to many people. So don't feel it's a disappointment if others do not show interest.

Phyllis Von Fleckinger – I reviewed the Stakeholder concerns and outreach report and some comments are important, some are objectionable, some we have no control over, like attracting restaurants. How do you really narrow that down into the process?

Martha Miller – It is a lot of work, we really start by framing the big choices, which is where we are at now. Then we start talking about what we have heard, such as the “development process is complicated”, so we look at the process and ask here is where problems seem to occur and here are some ideas and alternatives to consider to address the uncertainties and shortcomings of the existing procedures. And we quickly determine through discussions with you a direction to proceed.

Then some things drop out, such as the water rates. Well, Zoning does not have any control over water rates or delivery so we identify those issues that need to be dealt with elsewhere in the City’s policies. However, the use of landscaping and reduced water palettes can encourage low water usage.

Phyllis Von Fleckinger – Construction noise schedule allowed construction early in morning, is that something we can address?

Martha Miller – Maybe in the City Code, we will look into

Bob Marsh – Floodplain is a major issue in community, Gov Brewer established a program with Army Core of Engineers to improve the Lower Santa Cruz Wash, can we get an update or any changes?

Linda Cheney – It’s called the Lower Santa Cruz River Authority and anyone can join, which Linda belongs. At present, they are trying to set aside money for a reconnaissance study. They will finish the study when the next infusion of money comes. Maricopa will likely be a high priority for improvements as a result of this study. It goes from one end of Pinal County to the other. Not much of an update

LindaCheney – explain what zoning can do and cannot do based on statutes. There needs to be a balance between the regulations and the cost, and how does that interrelate into HOA management costs.

Martha Miller – As we develop the standards, we can talk about how they translate into costs and benefits. We will discuss in the modules. Regarding the statutes, we will be so peaking more about this in the diagnosis report.

Ryan Atwood – Does the firm’s philosophy ensure every demographic is heard through community outreach, or do you (D&B) look at the specific demographic of the area (Maricopa) and make sure those are proportionally represented?

Martha Miller– For Zoning, it is much less driven by demographics and more technically driven from people who use the code such as designers, officials, staff, developers, business and home owners, etc. Your vision for the community has been set in the General Plan. We are getting into some of the more technical aspects of policy, which rely on input from the users and is more of a technical exercise. This is where Task Force is key in steering the Rewrite.

Phyllis Von Fleckinger – Needs hard copy of Martha’s Presentation. Based on the types of Zoning theory, ie Euclidian , incentive, performance, etc, do you have an idea of which to focus?

Martha Miller– Good segway to diagnosis and will have a good explanation. What may make sense for Maricopa is a Hybrid Code, we are lacking physical form based zoning and codes that support the the idea of urban villages.

Bob Marsh – Based on our geography and separation from the other communities, I see where we can go beyond the typical code and give us some room to innovate and go beyond where you have gone before.

Since we have sovereign land abutting our borders, is there an opportunity to coordinate with the tribes?

Dana Burkhardt – Absolutely, they are stakeholders and have been notified, Jerry Owens, Planning Director for Ak-Chin was interviewed. We have not heard from the Gila River Community to date, but will

continue to reach out to them. We do have IGA's containing provisions and policies needed to be incorporated in our Zoning Code.

**3.3 ZCTF 13-02 The Task Force will open the meeting to receive testimony from members of the public on issues concerning the Zoning Code Rewrite and vision for the future of the City.**  
**Discussion.**

Doug Sharp (wife Susan) expressed HOA issues, HOA & City points fingers at one another for code enforcement. They live in Maricopa Meadows; 3 areas he'd like to address that have to do with zoning are:

- 1) Homes zoned for single-family, but have multiple residents either renting or multi-generational living within the 4 block area he lives. Feels there is a steady decline in Maricopa Meadows
- 2) People running businesses out of homes, such as automotive and ATV repair. People running their repaired vehicles through Neighborhood Street to test them.
- 3) Commercial vehicle parking & RV parking, supposedly the HOA has implemented new fees and fines and may hire a trolling security

Julie Stanfill – you can contact the police department to join the Maricopa block watch program as a resource to help you.

Doug Sharp – rentals are not being maintained and it is getting worse. Hopefully the new board will make some changes, but would also like the new zoning code to address these issues and give more teeth to enforcement.

Phyllis Von Fleckinger – city ordinances prohibit the noise at night to help with the automotive noise and the city does not allow the commercial trucks to park on street. Those are issues which the City can help

Dana Burkhardt – please submit an email to me with your complaints and I will forward it onto Code enforcement.

Doug Sharp – there are no apartments in Maricopa, and people rent homes for less than apartments in other neighboring communities.

Shirley McKibbon – Lives in Acacia Crossings – print is too small on the map, would like the city to provide something with larger print

Dana Burkhardt – we will make a larger map available to you, and I will print 11 x 17's for all members

Tim Hull – Lives in Villages right behind Fry's. There was a time when the HOA would not allow you to park on street. Now, People Park on both sides of the street leaving a very narrow road and kids can dart out from between the parked cars. Can city require wider streets?

Dana Burkhardt – the city has roadway standards for public and private roadways

Tim Hull- I also hear noise early in morning from the delivery trucks backing into the loading docks. There should be a certain distance to homes from the back or grocery stores, mine is about 25' and it should be two to three times that. And require higher walls to stop the noise from trespassing the residences.

Ted Yocum – street widths are too narrow with two sided parking to allow a fire truck to drive through. Is that something the zoning code can address?

Dana Burkhardt – The street sections and details are contained in the Subdivision Code, but we will look at options to include drive aisle dimensions in the Zoning Code.

Frank Durkin- Question regarding the map- he identified incorrect street names and zoning designations and was wondering when that will be updated.

Dana Burkhardt –The Zoning Map has been updated and will be available on the website in the near future (the map is updated and available on the website)

Frank Durkin – Mr. Marsh’s comment about having the larger HOA’s appear, concerns him. The smaller should be represented as well – he lives in Sorrento and would like to be represented.

Bill Mattuchio – we have tractor trailer trucks parked in our community as well and there seems to be a bouncing of the ball back and forth between the police and the HOA as to who should enforce. Couldn’t read map either. There is a section off white and parker with a zoning name of Suburban Ranch and he is concerned that another feed lot or dairy may go in there.

Rudy Lopez- That area zoned Suburban Ranch is for Rancho Dorado golf course, this is the only SR in the community.

Mike Mancini – Meritage Homes, wants to make a few comments and observations. City is encouraging some mixed-use development and it is possible for large builders to do that. What I encourage is for everyone to work with big builders and apartment builders to develop design standards to extract value from those standards, such as in Queen Creek. Be conscience of the costs that builders incur when including those design standards. We like to build those great design details, but builders struggle to make them economically feasible.

Meritage is a leader in building energy efficient homes. We are attracted to incentives such as expedited review, or leniency in restrictions to assist builders to bring super energy efficient homes. We love building in the City and look forward to more.

Tom DeGraphenreed – Question, is there is a zoning ordinance regulating aircraft flyovers and crop duster over residences.

Dana Burkhardt – Not the actual in flight activities, but runway locations and appurtenances associated with aircraft.

JoAnne Miller – I agree, I think a yellow plane is going to land in my pool one day.

Linda Cheney – when we bring a project forward, we have to agree that any pesticide and spray has to go away. If development is not proposed, there is no way you can restrict the dusting of the crops.

Phyllis Von Fleckinger – They do not spray over the residential

Julie Stanfill – Can you zone where they can and cannot fly?

Dana Burkhardt – No, but FAA has restrictions that can be enforced. Send an email and we will loop in the right officials to enforce

Frank Durkin – the City does not seem to regulate any of the Agricultural business activities. I understand that they were here first and that we need to deal with what they do, but one thing that concerns me for example are farmers plowing 24 hrs a day and farmers piling cow manure near residential areas and letting it sit there and sit there. The moisture and heat buildup and it has started burning. I would like to see a bit more fairness to the residents and have more regulation on farming activities near residences.

#### **4. Adjournment**